#### INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	New York District
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DATE OF DETERMINATION: October 5, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:

At the project site Y Date: November 24, 2004

(Y/N)

2004-00741

### PROJECT LOCATION INFORMATION:

FILE NUMBER:

State: New York
County: Clinton

Center coordinates of site by latitude & longitude coordinates: lat:43-9-42.9840 lon:72-47-8.9880

Approximate size of site/property (including uplands) in acres 19.5

Name of waterway or watershed:

Lake Champlain

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ae	10-25 ae	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Strcam							_		
Mudflat									
Sandflat									
Wetlands			4.89						
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Bost Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X					
Is or would be used as habitat by other migratory birds that cross state lines?			X					
Is or would be used as habitat for endangered species?				Х				
Is used to irrigate erops sold in interstate commerce?		Х						

<sup>&</sup>lt;sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site eonditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

## CENAN-OP-R APPLICATION NO. 2004-00741

## ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:
Total acreage of site: 19.5
The jurisdictional waters on site consist of (check as many as are appropriate):
Pond Lake Stream Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification:
Total acres of jurisdictional waters on site: $\underline{0}$ .
Position of jurisdictional waters in landscape and watershed:
There are no jurisdictional waters on the site. According to resource maps, the nearest watercourses are 0.5 mile to the north of the
site.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The subject site is located within the
former Plattsburgh Air Force Base. Prior to 1960 and the construction of the Air Force Base, the site was in agricultural production.
It has been abandoned since, and the site was only partially developed with buildings. The remainder of the site is forested.
2. Rationale Used To Determine NJD:
Isolated, intra-state water # 1
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream X Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PFO
Acres of this NJD aquatic resource within property: 4.89
Description of the position of the aquatic resource in the landscape (i.c. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
The wetland is nearly level and drains toward the southeast. The nearest watercourse is 0.5 mile to the north and 14 feet lower in
elevation than the wetland on site. In the direction that the wetland drains, the nearest watercourse is 1.2 miles away and at least 30
feet lower in elevation than the on site wetland. The on site wetland is approximately 90 feet higher in elevation than Lake
Champlain.
The aquatic resource X_ is is not located completely within the project site.
The aquatic resource is _X_ is not connected to waters of the U.S. by _X_ a surface channel
_X_ underground culvert _X_ other means (identify) by which water could flow between the two:
a man-made ditch near the project site. There is no direct surface connection between them, nor any piping, and the ditch is located in
the opposite direction as the how the wetlands drain.
The aquatic resource is _X_ is not a wetland eonsidered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.

### INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:					New Yo	TK DISTRICT					
FILE NUMBER:					2005-00	660					
DATE OF DETERMINATION	TE OF DETERMINATION:					r 14, 2005					
PROJECT REVIEW/DETE	T REVIEW/DETERMINATION COMPLET					In the office (Y/N)			Date:		
					At the (Y/N)	project site	<b>:</b>	Y	Date: August 3, 2005		
PROJECT LOCATION IN	FORMAT	ION:									
State:				New Y	ork						
County:						Schoha	arie				
Center coordinates of s	ite by lati	tude & lon	gitude co	ordi	nates:	lat:42-	40-54	1.9840	lon:74-27-7.	9920	
Approximate size of sit	_		-			39.3 a	cres				
Name of waterway or v						Unnan	ned T	ributar	y		
Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ae	3-5 ac	5-	-10 ac	10-25 ac		50 ac	> 50 ac	Linear Feet	Unknown
Lake											
River											
Stream											
Mudflat											
Sandflat											***************************************
Wetlands	0.30										
Slough											
Prairie Pothole											
Wet Meadow											
Playa Lake											
Vernal Pool											
Natural Pond											
Other Water (identify type)											
<sup>1</sup> Check appropriate boxes that non-jurisdictional aquatic reso			of isolated	d, no	on-naviga	ible, intra-st	ate w	ater pr	esent and bo	est estimate	for size of
Migratory Bird Rule Factors <sup>1</sup>				If K	nown	<del></del>			If Unknow	n	
migratory Bird Rule I actors	Wilgiatory Bild Rule Factors						U	Use Best Professional Judgm			
			Y	es	No	Predicte to Occ	- 1		Expected Occur	1	e to Make nination
s or would be used as habitat for birds protected by Migratory Bird Treaties?				X							
Is or would be used as habitat by other migratory birds that cross state lines?				X							
Is or would be used as habitat for endangered species?									X		
Is used to irrigate crops sold in interstate eommerce?					X						
<sup>1</sup> Check appropriate boxes that jurisdictional, isolated, non-na						f the Migrat	tory E	Bird Ru	le to apply	to onsite, n	on-

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (c.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

# CENAN-OP-R APPLICATION NO. 2005-00660

## ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:

Total acreage of site: _39.3
The jurisdictional waters on site consist of (check as many as are appropriate):
Pond Lake _X_ Stream _X_ Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification:PEM
Total acres of jurisdictional waters on site:2.70 acres
Position of jurisdictional waters in landscape and watershed:
_Wetlands are associated with unnamed tributaries to Cobleskill Creek, which drains to Schoharie Creek, a tributary of the Mohawk
River, which is a navigable waterway.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): _The site is comprised of fallow
agricultural land. Surrounding land use includes commercial properties and some residential areas.
2. Rationale Used To Determine NJD:
Isolated, intra-state water #s 1 through 7
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream _X_ Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: _PEM
Acres of this NJD aquatic resource within property: _0.30
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
_The site contains 7 small isolated areas, ranging is size from 0.009 to 0.14. The areas can be classified as emergent wetlands and ar
primarily small depressions within fallow agricultural fields. The aquatic resource is _X_ is not located completely within the
project site.
The aquatic resource is _X_ is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is _X_ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.

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CORPS OF ENGINEERS

**DISTRICT OFFICE:** New York District

FILE NUMBER: 2005-00683

DATE OF DETERMINATION: October 26, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) N Date:

At the project site Y Date: 11/20/03, 7/26/05

(Y/N)

### PROJECT LOCATION INFORMATION:

State: New York
County: Jefferson

Center coordinates of site by latitude & longitude coordinates: lat:44-12-40.6800 lon:75-34-10.3440

Approximate size of site/property (including uplands) in acres 62.40

Name of waterway or watershed: Unnamed Tributary to Indian River

							,		
Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	0.17								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors	If Known		If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Oecur	Not Able to Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X					
Is or would be used as habitat by other migratory birds that cross state lines?			х					
Is or would be used as habitat for endangered species?				X				
Is used to irrigate crops sold in interstate commerce?				X				

Cheek appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

# CENAN-OP-R APPLICATION NO. 2005-00683

## ADDITIONAL INFORMATION SUPPORTING NJD

1. Site Conditions:
Total acreage of site: 62.40 acres  The jurisdictional waters on site consist of (check as many as are appropriate): PondLake _XX Stream _XX Wetlands* Tidal Waters Other (identify type):  * If wetlands are present, indicate Cowardin classification: PEM/PSS/PFO
Total acres of jurisdictional waters on site: 7.80  Position of jurisdictional waters in landscape and watershed. The watershed on the gite are legated within much a hetween ridgelines.
Position of jurisdictional waters in landscape and watershed: The wetlands on the site are located within swales between ridgelines within the headwaters of unnamed tributaries to the Indian River.
Text Description/Current Land Use (developed, undisturbed, agricultural, mining area, etc.): The project site has been regularly
maintained as a firing range for military training exercises.
indifficulties as a firing range for infinitally statisting exercises.
2. Rationale Used To Determine NJD:
<u>Isolated</u> , intra-state water #1
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream XX Wetlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PFO
Acres of this NJD aquatic resource within property: 0.06
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
This wetland is located within a depressional swale at the base, and along a rock outcrop, and is bordered on one side by the existing
access road. It is located approximately 400 feet from the closest jurisdictional wetland, which is at least 15 feet higher in ground
surface elevation, and at least 1000 feet from the closest tributary.
The aquatic resource $XX$ is is not located completely within the project site.
The aquatic resource is XX is not connected to waters of the U.S. by a surface channel
underground culvert other means (identify) by which water could flow between the two:
The aquatic resource $\underline{}$ is $\underline{XX}$ is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
system.
<u>Isolated</u> , intra-state water #2
The NJD aquatic resources on site consist of (check as many as are appropriate):
Pond Lake Stream XX Wctlands* Tidal Waters Other (identify type):
* If wetlands are present, indicate Cowardin classification: PFO
Acres of this NJD aquatic resource within property: 0.11
Description of the position of the aquatic resource in the landscape (i.e. indicate distance to and difference in elevation from nearest
waters of the U.S., differences in vegetative communities, soil types or hydrologic features):
This wetland is located within a depressional swale at the base, and along a rock outcrop, and is bordered on one side by the existing
access road. It is located approximately 150 feet from the closest jurisdictional wetland, which has similar soils and ground surface
elevations, and at least 1000 feet from the closest tributary.
The aquatic resource _ is $\underline{XX}$ is not located completely within the project site.
The aquatic resource is XX is not connected to waters of the U.S. by a surface channel underground culvert other means (identify) by which water could flow between the two:
The aquatic resource is XX is not a wetland considered to be adjacent (neighboring, bordering or contiguous) to a surface tributary
•
system.